

Written comments in support of House Bill No. 133 Introduced by Representative Daniel Salomon
Thursday – January 13, 2011 at 3:00 p.m, Room 472 – House Agriculture Committee

Chairman, Representative Krayton Kerns and members of the House Agriculture Committee, my name is Richard E. Grady, a private citizen, who is involved with the natural resources of this state, at 9312 Lincoln Road West – Canyon Creek Montana, located 25 miles Northwest of Helena. I am submitting written comments in support of House Bill No. 133 Introduced by Representative Daniel Salomon with some suggestions for future amendments to help clarify the bills intention for the private landowners, and others involved in noxious weed management.

My family has a ranching operation that has been owned by 3 generations and has been part of the Canyon Creek community since the early 1900's within Lewis and Clark County. The two family ranches have classified timber lands of approximately 6000 acres consisting of a mixture of Ponderosa Pine, Spruce, Douglas Fir, and Lodge pole Pine along with native rangeland and cropland. It has been harvested for pulp, post and poles, firewood, along with saw logs the past 40 years and is impacted by the Mountain Pine Beetle and Spruce Budworm. It is also part of a conservation easement with Fish, Wildlife and Parks. It provides to the public access under block management and the terms of the conservation easement with Fish, Wildlife and Parks, access for hunting of Elk and Deer. I also served for a three year term on the Lewis and Clark County Weed Board.

I visited with a local representative of the Lewis and Clark County Weed District on Wednesday – January 12, 2011 after having the opportunity too be made aware of this bill by Representative Salomon on Tuesday, January 11, 2011 to provide some input at today's committee hearing.

I support the bills intention, but would like to offer too the committee some suggestions and questions that perhaps will need to be clarified or amended later in the bill based on the testimony in today's committee hearing.

1. Clarification may be needed on the ...board's shall attempt... perhaps should be deleted by adding the board will. By stating "will" means the weed board will not trespass on private property and will make every attempt to get landowner permission. One has to consider seasonal, absentee and permanent property owner or a leasee within the State of Montana. Recommend throughout the document how the word shall and attempt are being use to meet the objectives of the law to enforce noxious weed control in Montana on private, FWP Wildlife Management Areas, fire district and fire service area parcels of ownership involving fire stations, county, state, tribal and federal lands.
2. Hunters under Fish, Wildlife and Parks access laws must gain landowner permission, regardless if the land is posted or not, based on my family's involvement with hunting access in Montana. Employees of the Department of Natural Resources and Conservation (DNRC), County Public Works, County Commissioners, BLM and USFS have always asked for permission to gain access onto the state and federal ownership if no legal access is found that incorporates the families ranching operation.
3. Also it is very important to not encroach onto private property rights and based on the recent testimony yesterday in the House Federal Relations, Energy and Telecommunications Committee by Representative Ken Peterson on eminent domain under House Bill 198 this could become an issue. Landowners are always concern about gates being left open, breeding livestock being disrupted, etc. on their operations.
4. Also it appears that going from 10 to 3 days maybe two short to send a letter through the United States Postal Service, again when property owners may or may not live within Montana. In visiting with my local Post Master in Canyon Creek this morning I was provided information on how letters and other documents are handled. Three days would be too short if you are trying too contact a landowner on such short notice. Also landowners may have a rural address or post office box that they may not pick up their mail on a daily basis. Addresses on tax assessments may not

always be current that does cause mailings too be delayed. Also mail that is forwarded goes to Denver, Colorado to a distribution center and is not handled by our local postal master.

5. As a trustee of the Canyon Creek Rural Fire District we have a post office box at the Canyon Creek Store and the treasurer of the District picks up the mail. This mail is normally picked up once a week and so the 10 days would be more adapted in a rural area. The District has a two (2) acres with a Fire Station and completes noxious weed control on the lawn and open rangeland around the fire station.
6. In the bill you utilize the word commercial management operations and then later commercial applicator. Also you require applicator shall carry all insurance required by the board. My question is how would the board know what would be required in terms of general liability insurance, self employment insurance, cargo insurance, independent contractor exemptions, etc?

I appreciate the opportunity too provide written testimony in today's committee hearing as a private citizen in support of House Bill 133 with some recommendation to make the bill a little better for landowner relationships, to work with the local weed board and the Montana Department of Agriculture regarding noxious weed management in Montana.

Thank-you

/s/ *Richard E. Grady*

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